

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADAPTIX, INC.,

Plaintiff,

vs.

MOTOROLA MOBILITY LLC.,

Defendant.

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CASE NO. 6:12-CV-016

ADAPTIX, INC.,

Plaintiff,

vs.

AT&T, INC.,

Defendant.

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CASE NO. 6:12-CV-017

ADAPTIX, INC.,

Plaintiff,

vs.

AT&T, INC., et al.,

Defendants.

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CASE NO. 6:12-CV-019

ADAPTIX, INC.,	§	CASE NO. 6:12-CV-020
Plaintiff,	§	
vs.	§	
PANTECH WIRELESS, INC., et al.,	§	
Defendants.	§	
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ADAPTIX, INC.,	§	CASE NO. 6:12-CV-120
Plaintiff,	§	
vs.	§	
CELLCO PARTNERSHIP, et al.,	§	
Defendants.	§	
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ADAPTIX, INC.,	§	CASE NO. 6:12-CV-121
Plaintiff,	§	
vs.	§	
CELLCO PARTNERSHIP, et al.,	§	
Defendants.	§	
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ADAPTIX, INC.,

Plaintiff,

vs.

**APPLE, INC.,
et al.,**

Defendants.

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CASE NO. 6:12-CV-124

ADAPTIX, INC.,

Plaintiff,

vs.

**APPLE, INC.,
et al.,**

Defendants.

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CASE NO. 6:12-CV-125

ORDER

Plaintiff Adaptix has filed eight lawsuits against various defendants alleging infringement of the same two patents. All eight cases have recently been to status conference, and all eight cases were assigned the same *Markman* and trial dates.

The passage of the Leahy-Smith America Invents Act (“AIA”), which clarified the joinder requirements for cases alleging patent infringement, has resulted in a significant increase in the number of “serially” filed patent cases on the Court’s docket. Such serially filed cases, by their nature, involve common issues of law or fact, including claim construction and validity. “If actions before the Court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue

any other orders to avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a). In applying Rule 42, a court has considerable discretion. *In re EMC Corp.*, 677 F.3d at 1360; *see also Lurea v. M/V Albata*, 625 F.3d 181, 194 (5th Cir. 2011) (“Rule 42(a) provides district courts with broad authority to consolidate actions that ‘involve a common question of law or fact.’”).

Accordingly, each of the above cases is hereby **ORDERED** to be **CONSOLIDATED** for all pretrial issues (except venue) with the first-filed action, Cause No. 6:12-cv-16. Cause No. 6:12-cv-16 shall be the **Lead Case**. All parties are instructed to file any future motions (except relating to venue) in the lead case. Individual cases remain active for venue determinations and trial. Motions to transfer venue under 28 U.S.C. § 1404(a) will be considered only as to the defendants in the individual cases.

The Court will enter one docket control order, one protective order, and one discovery order that will govern the entire consolidated case. All parties to the consolidated case are ordered to meet-and-confer to discuss the entry of a uniform docket control, protective and discovery orders, which will govern the consolidated case, regardless of whether the same have previously been entered in individual actions. All major dates (including *Markman* and trial dates) will remain the same for the consolidated case as they were assigned in the individual cases. The parties are ordered to submit proposed uniform docket control, protective, and discovery orders for the consolidated case by September 21, 2012.

The local rules’ page limitations for *Markman* briefs and other motions will apply to the consolidated case. To further promote judicial economy and to conserve the parties’ resources, the Court encourages the parties to file a notice with the Court in the event that there are other related cases currently pending on the Court’s docket that may also be appropriate for consolidation with this case.

So ORDERED and SIGNED this 11th day of September, 2012.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE